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Attorneys for Petitioner
JOSHUA LARK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA LARK,

Petitioner,

v.

TOM CAREY,

Respondent.

NO. CIV-S-05-0664 DFL JFM P

**UNOPPOSED REQUEST FOR
EXTENSION OF TIME;
DECLARATION OF MONICA KNOX;
ORDER**

Petitioner, Joshua Lark, by and through counsel, Assistant Federal Defender Monica Knox, hereby requests a thirty (30)-day extension of time, to and including December 13, 2006, within which to file an amended petition. This request is made pursuant to Local Rule 6-144 and is based on the attached Declaration of Monica Knox. The extension is unopposed by Respondent.

Dated: November 13, 2006

Respectfully submitted,

DANIEL J. BRODERICK
Federal Defender

/s/ Monica Knox

MONICA KNOX
Assistant Federal Defender

Attorney for Petitioner

DECLARATION OF MONICA KNOX

I, MONICA KNOX, declare as follows:

I am an attorney licensed to practice in the State of California and admitted to practice in the Eastern District; I am employed as an Assistant Federal Defender and, in that capacity, represent the petitioner in this matter.

The Court appointed the Federal Defender to represent petitioner on May 31, 2006, directing counsel for both parties to file a joint status report within 45 days addressing discovery, motions, amendments and hearings. The matter was initially assigned to Assistant Federal Defender Ann McClintock. She and counsel for Respondent, Deputy Attorney General Heather Heckler, filed a joint status report on July 14, 2006. In that report, petitioner's counsel requested 60 days within which to obtain and review documents, investigate claims and file either an amended petition or a supplemental points and authorities.

I started work with the Federal Defender in this district on September 5, 2006, and this matter was one of the cases reassigned to me. Because I did not have all the records I needed to review at that time, I sought and received a 60-day extension. Petitioner's amended petition or supplemental points and authorities is due November 13, 2006.

I have obtained and reviewed all the necessary materials at this point. However, my ability to consult with my client has been limited by his current health situation, which has required multiple hospitalizations in the last few months. I have spoken briefly with petitioner on the phone and have written to him, giving him my advice as to how we should proceed. Unfortunately, I have not yet been able to obtain his input or decision as to some of the matters about which I have advised him; and I am not able to file a pleading with this Court until I am able to discuss the matter again with my client. I was recently advised by petitioner's wife that he is back at the prison and out of the hospital, but apparently he had not received the two most recent letters I have sent him. I have resent those letters and encouraged him to get in touch with me as soon as possible. But I will need time to obtain his input and decision and to then prepare needs to be filed.

1 For the foregoing reasons, I am requesting an additional thirty (30) days, to and
2 including December 13, 2006, by which to file an amended petition or any other pleading I
3 deem necessary.

4 On November 13, 2006, Ann M^cClintock spoke by telephone with Deputy Attorney
5 General Heather Heckler, who represents Respondent in this matter. Ms. Heckler advises that
6 she has no objection to an extension. I have authorized Ms. M^cClintock to file this request
7 and declaration on my behalf.

8 I declare under penalty of perjury the foregoing is true and correct.

9 Executed this 13th day of November, 2006, at Sacramento, California.

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11 /s/ Monica Knox
MONICA KNOX
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ORDER

GOOD CAUSE APPEARING, Petitioner is given to and including December 13, 2006,
in which to file an amended petition or any other necessary pleading.

Dated: November 27, 2006.


UNITED STATES MAGISTRATE JUDGE